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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 JUN 16 AM 9:51

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Antonio MARQUEZ-Mendoza
AKA: Jorge GARCIA-Villagomez

Defendant.

Magistrate Case No. 08 MJ 1844

DEPUTY


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Aliens
Without Presentation


The undersigned complainant being duly sworn states:

On or about **June 13, 2008**, within the Southern District of California, defendant **Jose Antonio MARQUEZ-Mendoza AKA: Jorge GARCIA-Villagomez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Laura CARRERA-Nunez, Felix FLORES-Mendez** and **Araceli ZARAGOZA-Montano**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF
June, 2008.


UNITED STATES MAGISTRATE JUDGE

TLM

AMENDED PROBABLE CAUSE STATEMENT

The complainant states that **Laura CARRERA-Nunez, Felix FLORES-Mendez** and **Araceli ZARAGOZA-Montano** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are Material Witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 13, 2008, at approximately 6:11 AM, **Jose Antonio MARQUEZ-Mendoza AKA: Jorge GARCIA-Villagomez (Defendant)** applied for admission to the United States from Mexico at the San Ysidro Port of Entry as the driver and sole visible occupant of a white 1994 Lincoln Towncar. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant gave a negative Customs declaration and presented a Permanent Resident Card (I-551) bearing the name Heriberto Sandoval-Castaneda. Defendant also claimed ownership of the vehicle. During a cursory inspection of the vehicle the CBP Officer discovered people concealed in the trunk attempting to enter the United States without inspection. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, further investigation revealed Defendant was an impostor to the I-551 Permanent Resident Card. Defendant was determined to be a citizen of Mexico without legal documents to enter the United States. Also during secondary, four persons were removed from the trunk of the vehicle and were determined to be citizens of Mexico without legal rights or benefits to enter, pass through, or remain in the United States. Three of the four undocumented persons were retained as material witnesses and are now identified as **Laura CARRERA-Nunez (MW1), Felix FLORES-Mendez (MW2)** and **Araceli ZARAGOZA-Montano (MW3)**.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed aliens in the trunk of the vehicle he was driving. Defendant stated he made arrangements with a female named Martha to smuggle the aliens across the border and drop the vehicle off in Chula Vista, California. Defendant added that he was going to be paid \$1,000.00 USD to smuggle the aliens into the United States.

Material Witnesses were interviewed and videotaped statements were obtained with the following declarations: Material Witnesses admitted they are citizens of Mexico without legal documents to enter the United States. Material Witnesses stated they were going to pay fees from \$2,000.00 to \$3,000.00 USD upon successful arrival into the United States. Material Witnesses admitted they were going to California to seek employment or residency.

I, United States Customs and Border Protection (CBP) Enforcement Officer Fernando Cerda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Laura CARRERA-Nunez, Felix FLORES-Mendez and Araceli ZARAGOZA-Montuno** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are Material Witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 13, 2008, at approximately 6:11 AM, Jose Antonio **MARQUEZ-Mendoza AKA: Jorge GARCIA-Villagomez (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a white 1994 Lincoln Towncar. Upon inspection before a Customs and Border Protection (CBP) Officer, Defendant gave a negative Customs declaration. Defendant presented a Permanent Resident (I-551) Card bearing the name Heriberto Sandoval-Castaneda as his entry document and claimed ownership of the vehicle. During a cursory inspection of the vehicle the Officer discovered people concealed in the trunk attempting to elude inspection. Vehicle and occupants were escorted to secondary for further inspection.

In secondary, further investigation revealed Defendant was an impostor to the entry document and was deemed to be a citizen of Mexico without entitlements to enter the United States. During a search of the vehicle, four undocumented aliens were discovered concealed in the trunk of the vehicle. The four aliens were determined to be citizens of Mexico without legal right or benefit to enter, pass through, or to remain in the United States. Three were retained as material witnesses and are now identified as **Laura CARRERA-Nunez (MW1), Felix FLORES-Mendez (MW2) and Araceli ZARAGOZA-Montano (MW3)**. Defendant's fingerprints were obtained and queried utilizing the Integrated Automated Fingerprint Identification System (IAFIS) verifying Defendant's true identity and criminal record. Defendant was identified as an alien previously removed from the United States to Mexico. Defendant was referred to the Prosecution Unit for further processing.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowing there were four undocumented aliens concealed in the trunk of the vehicle he was driving. Defendant conveyed that he made arrangements with a female named Martha to smuggle the aliens across the border and drop the vehicle off in Chula Vista, California. Defendant added that he was going to be paid \$1,000.00 USD to smuggle the aliens into the United States.

Material Witnesses were interviewed and videotaped statements were obtained with the following declarations: Material Witnesses declared to be traveling to California. Material Witnesses were going to pay an unknown smuggler a monetary sum ranging from \$2,000.00 to \$3,000.00 USD upon successful arrival into the United States.

EXECUTED ON THIS 13th DAY OF MAY 2008 AT 6:00 PM.


Fernando Cerda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on May 13, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

6-14-08 @ 10:42 a.m.
DATE / TIME

TOTAL P.03